

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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## India

**Post:** New Delhi

## New Directives on Organic Foods Regulations Benefit Small Producers

### Report Categories:

Sanitary/Phyosanitary/Food Safety

Exporter Guide

FAIRS Subject Report

Special Certification - Organic/Kosher/Halal

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### Report Highlights:

The Government of India's Food Safety and Standards Authority of India (FSSAI) published a directive related to the Food Safety and Standards (Organic Foods) Regulations, 2017. Based on representations received from stakeholders, FSSAI re-examined the provisions of the regulations and revised them to be 'Enabling Regulations' rather than for prosecution. This approach by FSSAI is expected to build confidence and provide a producer-friendly environment to small organic producers.

## General Information:

**DISCLAIMER:** The information contained in this report was retrieved from the Food Safety and Standards Authority of India's (FSSAI) website <http://www.fssai.gov.in/>. The Office of Agricultural Affairs, USDA and/or the U.S. Government make no claim of accuracy or authenticity.

In order to encourage a more business-friendly environment for small organic producers, FSSAI has come out with new directives on the organic food regulations, which were implemented on July 1, 2018. These are highlighted below:

1. Small original producers or producer organizations who have an annual turnover of organic produce of not more than 1.2 million INR, are allowed direct sales of their organic produce to the end consumer without National Program for Organic Production (NPOP)/Participatory Guarantee System (PGS)-India certification. *(Note: Participatory Guarantee System-India is a government program operated by the Department of Agriculture and Cooperation to promote organic farming through a low-cost certification system. The program emphasizes the participation of stakeholders, including producers and consumers, to self-certify and operate outside the frame of third-party certification)*
2. In cases where the small producers are not viable to go to market and sell their produce, the aggregator or the intermediary can collect the organic food from them and sell it to the end consumer directly. Such an aggregator or an intermediary shall have a turnover of organic produce not exceeding 5 million INR annually and will be allowed to sell organic products without any NPOP/PGS-India certification.
3. The products which are 'in conversion' under NPOP or PGS-India may write 'In conversion to Organic' on the labels.
4. The organic foods covered in numbers 1, 2 and 3 above shall not utilize the 'Jaivik Bharat' Logo. The certification of sales with respect to organic foods in numbers 1 and 2 above, shall be based on self-certification.

The above-mentioned directives are not applicable to organic food retail companies, they will need to comply with all the requirements of the 2017 Organic Regulations.

The full text of the FSSAI directive is pasted below for readers' reference and is available at FSSAI website <http://www.fssai.gov.in>.

**15 (21) 2018/Organic/RCD/FSSAI**  
**Food Safety and Standards Authority of India**  
(A Statutory Authority established under Food Safety and Standards Act, 2006)  
**FDA Bhawan, Kotla Road, New Delhi- 110002**

Dated, the 2<sup>nd</sup> April, 2019

**Sub: Direction under 16(5) of FSS Act, 2006 regarding enforcement of the Food Safety and Standards (Organic Foods) Regulations, 2017-reg.**

Food Safety and Standards (Organic Foods) Regulations, 2017 have been notified in the Gazette of India on 29.12.2017 as per which all the Food Business Operators were required to comply with the provisions of these Regulations by 1<sup>st</sup> July, 2018. A direction dated 29<sup>th</sup> June, 2018 was issued wherein it was directed that all FBOs manufacturing/processing and handling Organic Food shall have to obtain license under FSS Act, 2006 or get the organic food endorsed in their existing licenses up-to 30<sup>th</sup> September, 2018. Through another direction dated 24<sup>th</sup> January, 2019 the use of FSSAI's organic logo (Jaivik Bharat) was to be implemented w.e.f. 1<sup>st</sup> April, 2019.

FSSAI has been receiving several representations regarding challenges faced in the implementation of the Regulations by organic food business operators including small original producers. One of the challenges is that there are a large number of producers and producer organizations in the country who are not certified under any of the two systems of certification i.e. NPOP and PGS-India. Efforts are currently underway for simplification of PGS-India to make it small producer friendly.

In the interim, to build confidence in small producers, the provisions in the Food Safety and Standards (Organic Foods) Regulations, 2017 and their ability to provide for a producer friendly environment was examined. After careful consideration of the matter and in the context of the representations received, it is advised that these Regulations may be considered as 'Enabling Regulations' and not be considered for prosecution particularly for small original producers and producer organizations during initial phase of its implementation till 1<sup>st</sup> April 2020. Officials of State Food Safety Department may keep the following points in consideration while inspecting Organic Food and Organic Food Businesses:-

1. Provision of direct sales of organic food to the end consumer by the small original producer/producer organization having annual turnover of organic produce of not more than Rs 12 lakh is permitted. They may be allowed to sell organic food without any certification i.e. NPOP/PGS-India.

2. It is not always viable for small producers who have low quantities of organic food to go to the market. In such cases the, aggregator/intermediary may collect organic food from small producers and sell it to the end consumer directly. Such aggregator/intermediary shall have a turnover of organic produce not exceeding Rs 50 lakhs/annum. They may be allowed to sell products without any certification i.e. NPOP/PGS-India.
3. The provision for commodities which are 'in conversion' under NPOP or PGS-India may write "In conversion to Organic" on the labels.

The organic foods covered at S.No. 1, 2 and 3 shall not bear 'Jaivik Bharat Logo'.

The certification of turnover in respect of Sr. 1 and 2 shall be on self certification basis.

Food Safety Officers at state level may however ensure that limits of contaminants and insecticide residues are complied as specified in the relevant Regulations. The above guidance does not apply to organic food retail companies which shall comply with all the requirements of the Regulations of 29.12.2017.

In order to ensure that there is no misuse of the above provisions, enforcement officers are advised to keep track of any such instances and send their feedback to the FSSAI to facilitate review after six months based on the feedback received.



(Pawan Agarwal)

Chief Executive Officer, FSSAI